THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 13 NUMBER 21

Washington, Friday, January 30, 1948

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket Nos. 4556 and 4673]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CURTISS CANDY CO.

§ 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices.* In connection with the purchase of corn syrup or glucose or other candy ingredients in commerce, and on the part of respondent, The Curtiss Candy Company, its officers, etc., and among other things, as in order set forth, (1) knowingly receiving or accepting from any seller, or knowingly inducing any seller to grant, any discrimination in price set forth and described in paragraph seven of the findings as to the facts therein or any discrimination in price substantially similar thereto (i. e., as there in detail set forth, knowingly inducing and knowingly receiving favorable discriminatory prices on corn syrup purchased by it—either through, or under the direction or with the knowledge of, its purchasing officer, who had charge of all its purchases of corn syrup and whose duty it was to keep and who did keep accurately and currently informed of the prices and terms of sale of such product—from at least three corn syrup manufacturers through permitted deduction of 10 cents per cwt. (or about 95 dollars per tank car) or through purchase at 10 cents or 20 cents per cwt. less than its said vendors' published prices as the case might be, on some 49 cars of such syrup; and, in addition knowingly having the benefit, through delayed shipments, of price advantage on corn syrup purchased from five manufacturers, including the aforesaid three, through knowingly inducing and receiving price discrimination on a large number of other shipments purchased at the old and more favorable prices, preceding price advances, through booking practices and extensions in shipping dates beyond the thirty days usually allowed for delivery of orders placed at the old and lower prices within from five to ten days after the becoming effective of an announced price advance); or (2) knowingly receiving or accepting from any seller, or knowingly inducing any seller to grant, any discrimination in price prohibited by section 2 of the Clayton Act, either directly or by means of any discount or allowance made by means of any booking practice, extension of time of delivery, or otherwise; prohibited. (Sec. 2f, 49 Stat. 1527; 15 U. S. C., sec. 13f) [Cease and desist order, The Curtiss Candy Company, Dockets 4556 and 4673, November 12, 1947]

§ 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices.* In the sale of candy bars or other candy products in commerce, and on the part of respondent Curtiss Candy Company, its officers, etc., and among other things, as in order set forth, discriminating, directly or indirectly, in the price of such products of like grade and quality as among purchasers when the differences in price (defined, for purposes of comparison, as used in the order as taking into account discounts, rebates, allowances, and other terms and conditions of sale) are not justified by differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such products are sold or delivered, by selling such products (1) to some vending-machine operators at prices different from the prices charged other vending-machine operators who in fact compete in the sale and distribution of such products; (2) to some wholesalers or jobbers thereof at prices different from the prices charged other wholesalers or jobbers who in fact compete in the sale and distribution of such products; (3) to some retailers thereof at prices different from prices charged other retailers, who in fact compete in the sale and distribution of such products, and (4) to some purchasers thereof at prices different from the prices charged other purchasers who in fact compete in the sale and distribution of such products, either directly or by means of discount deals, fall booking practices, or other similar plans; or (5) by selling such products to any retailer at prices lower than prices charged wholesalers or jobbers whose customers compete with such retailers; prohibited, but subject to the provision, however, in the case of said first four specifications, that

(Continued on next page)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

CODIFICATION GUIDE—Con.

they shall not prevent price differences of less than ½ cent per case, based upon 24 counts, which do not tend to lessen, injure, or destroy competition among such vending-machine operators, or the various other classes of purchasers above set out, or between respondent and its competitors. (Sec. 2a, 49 Stat. 1526; 15 U. S. C., sec 13a) [Ceast and desist order, The Curtiss Candy Company, Dockets 4556 and 4673, November 12, 1947]

§ 3.45 (c) *Discriminating in price—Direct discrimination—Compensatory payments.* In connection with the sale or offering for sale of candy bars or other candy products in commerce, and on the part of respondent Curtiss Candy Company, its officers, etc., and among other things, as in order set forth, (1) paying or contracting to pay anything of value to, or for the benefit of, any purchaser for advertising services or facilities furnished by such purchaser unless such payment or consideration is available to all other competing purchasers on proportionally equal terms; or (2) paying or contracting to pay anything of value to any purchaser, either directly or by granting allowances or discounts upon purchases made, upon the condition that such purchaser prominently display respondent's candy products in said purchaser's place of business or display only repondent's candy or candy products on said purchaser's display racks or display any advertising designs, insignia, or posters advertising respondent's products in said purchaser's place of business or for any other similar advertising service or facility where such payments, discounts, or allowances are not made available to all other competing purchasers of respondent's candy bars or candy products on proportionally equal terms; prohibited. (Sec. 2d, 49 Stat. 1527, 15 U. S. C., sec. 13d) [Cease and desist order, The Curtiss Candy Company, Dockets 4556 and 4673, November 12, 1947]

§ 3.45 (c) *Discriminating in price—Direct discrimination—Services or facilities.* In connection with the sale of candy or other candy products in commerce, and on the part of respondent The Curtiss Candy Company, its officers, etc., and among other things, as in order set forth, discriminating, directly or indirectly, among competing purchasers of respondent's candy or candy products (1) by furnishing, or contributing to the furnishing of, demonstrator services to any retailer purchasing respondent's products when such services are not accorded on proportionately equal terms to other retailer-purchasers located in the same city or other retailer-purchasers who in fact resell such products in competition with retailers who receive such services; or (2) by furnishing, or contributing to the furnishing of, any newspaper, billboard, radio, or other advertising to any purchaser in connection with the sale or offering for sale of products purchased from respondent when such services or facilities are not accorded to competing purchasers upon proportionately equal terms; or (3) discriminating in favor of one purchaser against another purchaser or purchasers of respondent's candy or candy products bought for resale by contracting to furnish or furnishing any services or facilities in connection with the offering for sale or sale of such candy or candy products so purchased upon terms not accorded to all purchasers on proportionally equal terms; prohibited. (Sec. 2e, 49 Stat. 1527; 15 U. S. C., sec. 13e) [Cease and desist order, The Curtiss Candy Company, Dockets 4556 and 4673, November 12, 1947]

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the sale, or making any contract for the sale, of respondent's candy or candy products in commerce, and on the part of respondent, The Curtiss Candy Company, its officers, etc., and among other things, as in order set forth, (1) selling, or making any contract for the sale of, respondent's candy products on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in candy or candy products supplied by any competitor of the respondent; or (2) enforcing or continuing in operation or effect any condition, agreement, or understanding in or in connection with any existing contract of sale which condition, agreement, or understanding is to the effect that the purchaser of respondent's candy or candy products will deal in and sell only candy and candy products supplied by the respondent; prohibited. (Sec. 3, 38 Stat. 731; 15 U. S. C., sec. 14) [Cease and desist order, The Curtiss Candy Company, Dockets 4556 and 4673, November 12, 1947]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 12th day of November A. D. 1947.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer of the respondent filed in Docket 4556 and upon the amended and supplemental complaint of the Commission and answer of the respondent filed in Docket 4673 (which proceedings were consolidated by the Commission on October 11, 1944), testimony and other evidence in support of and in opposition to the allegations

of said complaints taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaints and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of section 3 of that certain act of Congress of the United States entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act, and subsections (a), (d), (e), and (f) of section 2 of said Clayton Act as amended by an act of Congress approved June 19, 1936, commonly known as the Robinson–Patman Act:

I. *It is ordered*, That the respondent, The Curtiss Candy Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the purchase of corn syrup or glucose or other candy ingredients in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Knowingly receiving or accepting from any seller, or knowingly inducing any seller to grant, any discrimination in price set forth and described in paragraph seven of the findings as to the facts herein [1] or any discrimination in price substantially similar thereto.

2. Knowingly receiving or accepting from any seller, or knowingly inducing any seller to grant, any discrimination in price prohibited by section 2 of the Clayton Act, either directly or by means of any discount or allowance made by means of any booking practice, extension of time of delivery, or otherwise.

II. *It is further ordered*, That the respondent, The Curtiss Candy Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in the sale of candy bars or other candy products in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality as among purchasers when the differences in price are not justified by differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such products are sold or delivered:

1. By selling such products to some vending-machine operators at prices different from the prices charged other vending-machine operators who in fact compete in the sale and distribution of such products; *Provided, however*, That this shall not prevent price differences of less than one-half cent per case, based upon 24-count, which do not tend to lessen, injure, or destroy competition among such vending-machine operators or between respondent and its competitors.

2. By selling such products to some wholesalers or jobbers thereof at prices different from the prices charged other wholesalers or jobbers who in fact compete in the sale and distribution of such products: *Provided, however*, That this shall not prevent price differences of less than one-half cent per case, based upon 24–count, which do not tend to lessen, injure, or destroy competition among such wholesalers or jobbers or between respondent and its competitors.

3. By selling such products to some retailers thereof at prices different from prices charged other retailers who in fact compete in the sale and distribution of such products: *Provided, however*, That this shall not prevent price differences of less than one-half cent per case, based upon 24–count, which do not tend to lessen, injure, or destroy competition among such retailers or between respondent and its competitors.

4. By selling such products to some purchasers thereof at prices different from the prices charged other purchasers who in fact compete in the sale and distribution of such products, either directly or by means of discount deals, fall booking practices, or other similar plans: *Provided, however*, That this shall not prevent price differences of less than one-half cent per case, based upon the 24–count, which do not tend to lessen, injure, or destroy competition among such purchasers or between respondent and its competitors.

5. By selling such products to any retailer at prices lower than prices charged wholesalers or jobbers whose customers compete with such retailer.

For the purposes of comparison, the term "price" as used in this order takes into account discounts, rebates, allowances, and other terms and conditions of sale.

III. *It is further ordered*, That the respondent, The Curtiss Candy Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the sale or offering for sale of candy bars or other candy products in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Paying or contracting to pay anything of value to, or for the benefit of, any purchaser for advertising services or facilities furnished by such purchaser unless such payment or consideration is available to all other competing purchasers on proportionately equal terms.

2. Paying or contracting to pay anything of value to any purchaser, either directly or by granting allowances or discounts upon purchases made, upon the condition that such purchaser prominently display respondent's candy products in said purchaser's place of business or display only respondent's candy or candy products on said purchaser's display racks or display any advertising designs, insignia, or posters advertising respondent's products in said purchaser's place of business or for any other similar advertising service or facility where such payments, discounts, or allowances are not made available to all other competing purchasers of respondent's candy bars or candy products on proportionally equal terms.

IV. *It is further ordered*, That the respondent, the Curtiss Candy Company, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the sale of candy or other candy products in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Discriminating, directly or indirectly, among competing purchasers of respondent's candy or candy products by furnishing, or contributing to the furnishing of, demonstrator services to any retailer purchasing respondent's products when such services are not accorded on proportionally equal terms to other retailer-purchasers located in the same city or other retailer-purchasers who in fact resell such products in competition with retailers who receive such services.

2. Discriminating, directly or indirectly, among competing purchasers of respondent's candy or candy products by furnishing, or contributing to the furnishing of, any newspaper, billboard, radio, or other advertising to any purchaser in connection with the sale or offering for sale of products purchased from respondent when such services or facilities are not accorded to competing purchasers upon proportionally equal terms.

3. Discriminating in favor of one purchaser against another purchaser or purchasers of respondent's candy or candy products bought for resale by contracting to furnish or furnishing any services or facilities in connection with the offering for sale or sale of such candy or candy products so purchased upon terms not accorded to all purchasers on proportionally equal terms.

V. *It is further ordered*, That the respondent, The Curtiss Candy Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the sale, or making any contract for the sale of, respondent's candy or candy products in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

1. Selling, or making any contract for the sale of, respondent's candy products on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in candy or candy products supplied by any competitor of the respondent.

2. Enforcing or continuing in operation or effect any condition, agreement, or understanding in or in connection with any existing contract of sale which condition, agreement, or understanding is to the effect that the purchaser of respondent's candy or candy products will deal in and sell only candy and candy products supplied by the respondent.

VI. *It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 48-847; Filed, Jan. 29, 1948; 8:47 a. m.]

[1] Filed as part of the original document.

PART 4—ADMINISTRATIVE INTERPRETATIONS

FREE MERCHANDISE

The Commission, on January 14, 1948, adopted, effective immediately, the following administrative interpretations with reference to the use of the word "free" and words of similar import under certain conditions to describe merchandise, as follows:

§ 4.1 *"Free" merchandise.* The use of the word "free", or words of similar import, in advertising to designate or describe merchandise sold or distributed in interstate commerce, that is not in truth and in fact a gift or gratuity or is not given to the recipient thereof without requiring the purchase of other merchandise or requiring the performance of some service inuring directly or indirectly to the benefit of the advertiser, seller or distributor, is considered by the Commission to be a violation of the Federal Trade Commission Act. (Sec. 6, 38 Stat. 721; sec. 3, 60 Stat. 238; 15 U. S. C. 46, 50 U. S. C., Sup. 1002)

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of January 14, 1948.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-849; Filed, Jan. 29, 1948; 8:48 a. m.]

[File No. 21-358]

PART 174—WATCH CASE INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 26th day of January 1948.

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of January 30, 1948.

Statement by the Commission. The trade practice rules for the Watch Case Industry hereinafter set forth are promulgated by the Commission under its trade practice conference procedure.

The business primarily concerned is that relating to the sale or distribution, throughout the channels of trade and to the purchasing public, of watch cases, whether sold separately or as part of a watch, and of accessories and parts for such cases. The rules are directed to the purpose of maintaining free and fair competition in the conduct of the business and of eliminating and preventing unfair methods of competition, deceptive practices, or trade abuses.

To this end various trade practices in relation to the business involved are defined and inhibited as unfair. Comprehensive specifications are also included for the proper marking of watch cases to reveal the true metal composition of the different types of cases so that purchasers may be correctly informed and misunderstanding and deception prevented. Regarding watch cases to be marked or sold as being composed of or coated with gold, or gold alloy, the precious metal content is not to fall below a specified minimum, namely, 10 karat; and the mark is to show the respective karat fineness of such gold alloy; whether, for example, it is 10 karat, 14 karat, 18 karat, etc. Alloys which are so deficient in gold content as not to meet the specified minimum are to be marked to show the fact that in reality they are base metal.

Purchasers may also learn from the mark whether the watch case is one made of precious metal throughout, or is one which merely has been "filled," "plated," or otherwise coated with precious metal. "Gold filled" cases are required to have a plating of at least 3/1000ths of an inch of gold of the karat fineness indicated. "Rolled gold plate" cases are those having a minimum of 1½/1000ths of an inch of gold plating of the stated karat fineness. Similarly, provisions respecting cases to which the gold has been applied by electroplating are also included.

Further provisions are contained in the rules which are designed to insure against development, in the course of manufacture, of thin spots in the plating; and for prevention of the use of precious metal coatings or platings which are unserviceable and deceptive.

Each watch case is to carry the recognized symbol or mark identifying the manufacturer responsible for its quality. Cases made of combinations of metal (such as, for example, a case having a stainless steel back and a bezel plated or filled with so-called white gold) are to be marked so as to reveal to purchasers the combination of metals in question, in order that there may be no misunderstanding respecting the character and quality of the gold or plating or respecting the non-precious metal parts.

Other rules cover such prescribed practices as: Fictitious pricing; deception as to foreign origin of product and misrepresentation of character of business; imitation of trade-marks, trade names, etc.; use of misleading guarantees or warranties; misuse of certain significant words and phrases; use of lottery schemes; commercial bribery; deceptive selling of used, refinished, or second-hand products; false invoicing; full-line forcing; prohibited discriminations in prices, rebates, discounts, allowances, etc.; aiding or abetting another in the use of unfair trade practices; the unfair or improper return of merchandise; and all types of false advertising and deceptive selling.

The provisions of the rules in their entirety afford the industry uniform and officially recognized guides for merchandising its products on the basis of fair competitive standards, including informative marking.

Proceedings under which these rules have been evolved were instituted by the Commission at the request of members of the Watch Case Industry. An industry-wide trade practice conference was held at which suggestions and proposals for rules were presented and considered. Public hearings were thereafter held upon drafts of the proposed rules which had been prepared in appropriate form and made available for the information and consideration of industry members and all other interested or affected parties. Pursuant to public notice, and at the hearings, members of the industry and others concerned in the matter were afforded opportunity to be heard and to present such pertinent information, suggestions, or objections as they desired. All matters presented at the hearings, or otherwise received in the proceedings, were given careful consideration. Final action was thereafter taken by the Commission whereby it approved and received, respectively, the trade practice rules appearing below in Group I and Group II. Such rules are promulgated as of this date and become operative thirty (30) days hereafter.

Being designed to foster and promote the maintenance of fair competitive conditions and protection of the public interest, all the rules are to be applied to such objective, to the exclusion of any acts or practices which suppress competition, fix or control price through combination, agreement, or conspiracy, or which otherwise restrain trade or destroy competition.

Also applicable to this industry, in so far as they pertain to watch cases, or parts or accessories therefor, are the trade practice rules promulgated by the Commission under date of April 24, 1947, entitled: "Trade Practice Rules Respecting the Terms 'Waterproof,' 'Shockproof,' 'Nonmagnetic,' and Related Designations, as Applied to Watches, Watch Cases, and Watch Movements."

GROUP I

GROUP II

AUTHORITY: §§ 174.0 to 174.101, inclusive, issued under 38 Stat 717, as amended, 15 U. S. C. 41, et seq.

GROUP I

§ 174.0 *General statement.* The unfair trade practices embraced in §§ 174.1 to 174.18, inclusive, are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 174.1 *Definitions.* For the purpose of the rules in this part, the following definitions shall apply.

(a) The term "watch case" or "case" as herein used shall include any metal case, covering, or housing of any quality or description for a watch or for a timekeeping device to be worn on or about the person, and shall include the back, center, lugs, bezel, pendant, crown, bow, cap, and other parts of the case; and unless otherwise specifically stated, the term "watch case" or "case" as used in these rules shall also be applicable to the case when marketed as part of a watch or when containing the movement or "works," as well as when the case is marketed separately or without the movement or "works".

(b) The term "accessories" as used in the rules in this part means products affixed to or sold in combination with watch cases or watches, such as, for example, bracelets, pins, pendants, brooches, or ornaments which are affixed to or accompany the watch or watch case when sold or marketed.

(c) The term "plate" or "plated", as herein used, shall have reference to a case having a sheet or shell of metal affixed by soldering, brazing, welding, or other mechanical means, to the outer surfaces of foundation metal stock.

(d) The term "electroplate" or "electroplated," as herein used, shall have reference to a watch case having a coating of metal affixed by the electrolytic method to the outer surfaces of foundation metal stock. [Rule 1]

§ 174.2 *Disclosure and marking of metal composition*—(a) *Disclosure.* To the end that misrepresentation, confusion, and deception may be effectively prevented and unfair competitive practices eliminated in the marketing of watch cases through the channels of trade and to the purchasing or consuming public, proper disclosure of the true metal composition of such watch cases should be made by stamp, mark, or label as hereinafter provided. It is an unfair trade practice to conceal such true metal composition of watch cases, or to introduce into the channels of trade, or offer for sale, sell, or promote the marketing of, watch cases which are not properly marked and as to which disclosure is not properly made of the metal composition thereof, such concealment and nondisclosure having the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, and of aiding the use of deceptive selling practices in the trade.

(b) *Proper marking of watch cases and affixed products.* Proper method of marking watch cases under this section and for making the disclosure of metal composition above specified is as follows:

(1) *Truthful stamping of the case itself.* The disclosure of true metal composition shall be set forth nondeceptively in clearly legible form and as permanently as the nature of the article will permit, and except where otherwise specifically provided for herein, such disclosure shall be made by mark legibly stamped, embossed, or engraved into the metal on the outside of the case: *Provided, however,* In respect of pocket watch cases of at least three-piece construction in which the back may be opened by the layman and the inside thereof is easily and readily accessible, the marking of metal content may be placed in clearly legible form on the inside of such back permanently stamped in the metal. (See also subparagraph (16) of this paragraph respecting supplemental tagging.) Words in the specified marking set forth in the rules in this part are not to be abbreviated except that "G" may be used for the word "gold", "K" for the word "karat," and "ster." for the word "sterling." "Chr." may be used for the word "chromium" when followed by the name of a metal in a phrase such as "chr. plated steel." No mark specified in the rules in this part shall be deceptively minimized or obscured, or set forth in misleadingly disproportionate form.[1]

(2) *Cases made throughout of an alloy of gold or of other precious metal.* In respect of watch cases made throughout of gold, or of an alloy of gold of not less than 10 karat fineness, or made throughout of other precious metal, or of an alloy of other precious metal of sufficient fineness or quantity to meet requirements of recognized quality standards therefor, the mark and disclosure of metal composition shall show the respective kind of precious metal and the quality or fineness thereof, as for example:

14K [for gold throughout of such fineness]
or
14K Gold
or
Sterling Silver

(3) *"Rolled gold plate".* In respect of watch cases which are plated with gold or an alloy of gold of not less than 10 karat fineness and of a thickness of not less than 1½/1000 of an inch throughout after completion of all finishing operations, the mark shall show that the case is plated and shall also show the kind of metal in the plating and the fineness and thickness thereof, as for example:

14K Rolled Gold Plate

(i) *Electroplated to 1½/1000" minimum thickness.* If the case has been electroplated with gold, or with gold alloy of not less than 10 karat fineness, to a minimum thickness of 1½/1000 of an inch throughout after completion of all finishing operations, the mark shall show that such case is electroplated and shall also show the kind of precious metal in the coating so applied, and the thickness thereof, as for example:

Gold Electroplated .0015"
or
Gold Electroplate 1½/1000"

(4) *"Gold filled" cases.* In respect of watch cases plated with gold, or with gold alloy of not less than 10 karat fineness, and of a thickness of not less than 3/1000 of an inch throughout after completion of all finishing operations, the mark shall show that such case is plated and shall also show the kind of precious metal in the plating and the fineness and thickness thereof, as for example:

14K Gold Filled

(i) *Electroplated to 3/1000" minimum thickness.* If the case has been electroplated with gold, or with gold alloy of not less than 10 karat fineness, to a minimum thickness of 3/1000 of an inch throughout after completion of all finishing operations, said mark shall show that such case is electroplated and shall also show the kind of precious metal in the coating so applied and the thickness thereof, as for example:

Gold Electroplate 3/1000"
or
Gold Electroplate .003"

(5) *Tolerance allowed in respect of "rolled gold plate" and "gold filled" cases.* The minimum thickness specified for the plating of gold or gold alloy on the watch cases covered in subparagraphs (3) and (4) of this paragraph shall mean that the plate of precious metal affixed to the surface of the metal stock shall be throughout the surface and at the thinnest point not less than the thickness specified after the completion of all finishing operations, including polishing, except, however, for such deviations therefrom, not exceeding 20 percent (minus) of the stated thickness, as may be proved by the manufacturer to have resulted from unavoidable variations in manufacturing processes and despite the exercise of due care, which deviation so proved shall be allowed if and when the quantity of such precious metal remaining plated on the outside of the case is sufficient to equal the quantity necessary to provide the specified minimum thickness at all points on such watch case including the thinnest point.

Note: In the exercise of due care to avoid or prevent deficiencies in the thickness of the plating at sharp bends, angles, or other places on the watch case, manufacturers should provide reasonable safeguards against the development of thinness or deficiencies in the plating by using in the beginning of the process a plate of more than the minimum thickness from which their cases are

[1] In determining the precious metal content of a watch case the following parts, where necessarily required to be made of steel or base metal, may be excluded, namely, springs, hinge pins for jointed cases, spring pins for wrist-watch straps or bands, and the separate inside movement holding ring. The core of the crown (i. e., crown core) may also be excluded where such is necessarily required to be made of steel or base metal: *Provided, however,* That the crown itself contains the full amount of gold of the thickness and quality specified for the case, and which, in respect of cases made throughout of gold or gold alloy of not less than 10K fineness, is of at least 5/1000" thickness and of at least the specified fineness of gold or gold alloy in the case.

struck (namely, a starting thickness of at least 3½/1000" and 2/1000" in the stock for making "gold filled" and "rolled gold plate" cases, respectively); also, by exercising other reasonable precautions in respect of the condition of tools, dies, and the processing and finishing or polishing operations.

(6) *Inside of plated or electroplated cases.* The so-called "rolled gold plate" and "gold filled" or electroplated cases as referred to in subparagraphs (3), (3) (i), (4) and (4) (i) of this paragraph shall not be required to have a plate of gold or gold alloy of the specified thickness on the inside of cases of two-piece construction; *Provided*, Such inner surface is of a noncorrosive metal or is treated or coated to render such inner surface noncorrosive and no deception is practiced in respect thereto; *And provided further*, In respect of cases of more than two-piece construction, or hunting cases, that the inner surface is plated with gold, or gold alloy of the stated fineness in the outer surface, to a minimum thickness of 1/1000 of an inch throughout and after completion of all finishing operations.

(7) *Platings or coatings of precious metals other than gold or alloy containing gold.* In respect of watch cases which are plated or coated with a precious metal other than gold or alloy containing gold, such as silver or palladium, the mark shall nondeceptively reveal the quality and thickness of the plate and be otherwise adequate to correctly inform purchasers and prevent confusion and deception. Platings or coatings referred to in this subparagraph are such as are of the substantial and recognized thickness (comparable to that specified above in respect of "gold filled" and "rolled gold plate" cases) and not of the type which are to be avoided under the provisions of subparagraph (11) of this paragraph.

(8) *Disclosure of kind and quality of metal in stock of plated or coated cases.* Nothing in the rules in this part shall be deemed to prohibit such additional truthful and nondeceptive disclosure as will show the kind and quality of the metal to which the plating or coating is affixed, whether such stock be base metal or precious metal, as for example:

14K Rolled Gold Plate on Sterling Silver
or
14K Rolled Gold Plate on Stainless Steel

(9) *Flashed or deficiently plated cases.* In respect of watch cases composed of a stock of base metal plated or coated with precious metal of a thickness of less than 1½/1000 of an inch over all exposed surfaces after completion of all finishing operations, the mark shall show unambiguously and nondeceptively that such case is base metal or that it is base metal which has been flashed or coated with a very thin and unsubstantial coating, and such further disclosure shall be made and action taken as may be necessary to prevent deception, misunderstanding, and unfair competition arising from the deceptive appearance of such an article, the non-serviceable or unsubstantial character of the plating or coating, or from any other pertinent factor. If the plating or coating of any such flashed or deficiently plated case is over a stock of precious metal, the mark shall also disclose the kind and quality of the metal in the stock.

(10) *Base metal coating, simulating precious metals.* In respect of watch cases composed of a stock of base metal plated or coated with another kind of base metal, and either simulating precious metal or having the deceptive appearance of being composed throughout of the type and kind of material appearing in the surface coating, the mark shall nondeceptively show the fact that such case is base metal, or, as the fact may be, that the case is plated or coated with a designated kind of metal of which such plate or coating is composed, as for example:

Chromium Plated Steel
or
Nickel Plated Steel
or
Base Metal

(11) *Types of coatings to be avoided.* Use of coatings of either base metal or precious metals which are not of sufficient thickness and substantiality as to render lasting and effective service are to be avoided because of the deceptive, misleading, and competitively harmful character of such a practice in the conduct of the business of the industry.

(12) *Base metal cases simulating precious metal.* In respect of watch cases composed wholly of base metal manufactured or otherwise processed to simulate or have the appearance of precious metal, and cases composed of an alloy containing gold of less than 10 karat fineness, the mark shall show that said case is base metal, as for example:

Base Metal
or
Stainless Steel
or
Nickel
or
Nickel Plated
or
Chromium
or
Chr. Plated Steel
or
Brass

(13) *Cases having a combination of different metals.* In respect of watch cases having a back and bezel composed, respectively, of a different kind or quality of metal, the disclosure for marking provided for in the foregoing provisions of this section shall be made in the manner indicated therein with respect to each such respective parts, as for example:

Base Metal Back 14K Gold Filled Bezel [To be shown together or at one place on the case].

When two or more parts of the case do not have the appearance of being made of the same quality or kind of metal, as for example, when the bezel of such a case is of gold filled quality and the back is stainless steel, the marking used under this subparagraph may be separated as illustrated in the following:

Stainless Steel [Placed on the back].
14K Gold Filled [Placed on the bezel].

In the separation of marks here specified such sufficient care must be exercised as will avoid possibilities of deception or confusion.

(14) *Marking of minimum quality in lieu of multiple stamping.* In respect of watch cases in which the case itself has parts composed of gold alloy of different fineness or quality, or has parts which are plated or coated with different thickness of plating or electroplating as specified in subparagraphs (2), (3), (3) (i), (4), and (4) (i) of this paragraph, such watch case may be marked with the quality and fineness of the lowest grade as an optional method in lieu of marking each such different piece or part, as for example, the mark of "12K Rolled Gold Plate" for a case which is composed entirely of such 12 karat rolled gold plate with the exception of the bezel which is of a higher quality, such as "14K Gold Filled." In no instance, however, shall this optional form of marking be utilized in such manner or under such conditions as may be deceptive or misleading to the public.

(In the application of this section platings or electroplatings which are of less than 1½/1000 of an inch thickness on base metal shall be deemed base metal. If such plating or electroplating is of an alloy containing less than the equivalent of 10 karats of gold, the part of the case so constructed shall also be deemed base metal. If either such plating or electroplating is on a stock of precious metal, as for example, "sterling silver," the part of the case so constructed shall be known by the name of the metal in the stock, such as in the example given, "sterling silver.")

(15) *Watch and bracelet or similar combinations.* In respect of a watch case to which there is affixed or attached, either permanently or so as not to be separable in use, a bracelet, pin, pendant, metal article of adornment, or other accessory containing or having the appearance of containing precious metal, the respective metal content shall be marked on both the case and the bracelet, pin, pendant, metal article of adornment, or accessory, in accordance with the foregoing provisions of this section. In respect of any accessory sold with or accompanying the watch case or cased watch when marketed but which is not permanently or inseparably affixed to the case or watch, such accessory shall be marked truthfully and nondeceptively as to metal content, which marking may be that specified in applicable provisions of jewelry marking as specified in U. S. Commercial Standard CS47–34 entitled, "Marking of Gold Filled and Rolled Gold Plate Articles Other Than Watchcases." Failure to properly mark the case and the bracelet, pin, pendant, or metal article of adornment, or the marking of one and not the other, or the marking thereof in a manner which is confusing or misleading, is an unfair trade practice.

(16) *Use of supplemental tag and inside marking.* In respect of watch cases of such small and unusual type as to render it impossible to set forth the mark required by subparagraph (1) of this paragraph on the outside of the case, then said mark may be stamped, embossed, or engraved in an accessible place on the inside of the case provided the case or the watch of which the case is a part, when placed on the market and when sold in the channels of trade and

to the ultimate purchaser, has affixed thereto a durable tag or label of practicable permanency adequate to carry through the channels of trade and to the purchasing public and showing unambiguously and conspicuously the full and true disclosure of the metal composition of such case in accordance with the requirements hereinbefore set forth.

(c) *Removal, obliteration, or defacement of mark.* The removal, obliteration, or defacement of any mark required by the rules in this part or of any tag or label attached pursuant to the provisions thereof, and the sale, resale, or distribution of any watch case, part or accessory, without any stamp, mark, tag, or label as hereinbefore provided for, with the capacity and tendency or effect of deceptively concealing the metal composition of such watch cases and products or of otherwise causing the same to be offered for sale, sold, or purchased under false, misleading, or deceptive representations or unfair methods, is an unfair trade practice.

(d) *Misrepresentation of meaning of designations.* In using the terms "rolled gold plate," "gold filled," "gold electroplated," or "gold electroplate," or other designation, no representation shall be made, directly, or by implication, in any manner whatsoever which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the erroneous belief (1) that the watch case or product contains more gold than in fact it does; or (2) that such case is composed throughout of a gold alloy of the stated quality or other quality when such is not true or when the gold contained therein is not of at least 10 karat fineness; or (3) that the case or product does not contain base metal or does not have a base metal stock, when such is untrue; or (4) into any other erroneous belief. Use of any such inhibited representation is an unfair trade practice. [Rule 2]

§ 174.3 *Disclosure of manufacturer's identity and prevention of confusion and deception in respect thereto.* In order to avoid and prevent deception as to the identity of manufacturers of watch cases and to aid in fixing responsibility for misrepresentation and deceptive concealment of the true facts concerning such watch cases, every manufacturer should indelibly and legibly stamp in an accessible place on the inside of the case, or elsewhere thereon, the name or mark of identification of such manufacturer.

It is an unfair trade practice to omit or to obliterate such name or mark of identification, or to use a misleading or deceptive name or mark, the capacity and tendency or effect thereof being to cause or promote confusion and deception in the marketing of the product or of otherwise bringing about, directly or indirectly, deceptive or unfair practices. [Rule 3]

§ 174.4 *Deceptive selling of used, rebuilt, or secondhand products.* In respect of watch cases, accessories, or cases containing watch movements, which in whole or in part are used, secondhand, rebuilt, or repaired and refinished after use, or which contain parts that are used, secondhand, rebuilt, or repaired and refinished after use,

(a) It is an unfair trade practice to sell, offer for sale, or distribute any such product under representations, circumstances, or conditions which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public into the erroneous belief that such products are new or that all or certain of the parts of which the respective article is composed are new, when such is not true in fact; and

(b) It is an unfair trade practice to conceal or fail or refuse to fully and nondeceptively disclose by effective means of identification, such as by tag, label, stamp, or mark firmly affixed to the product, or the immediate container thereof in which sold and delivered to the consumer, the fact that such product is, or that all or certain parts contained therein are, not new as the case may be, or are used, secondhand, rebuilt, or repaired and refinished after use, when such concealment and nondisclosure is practiced with the capacity and tendency or effect of misleading the purchasing or consuming public. [Rule 4]

§ 174.5 *Misuse of significant terms.* In marking, describing, or representing watch cases, accessories, or parts thereof, it is an unfair trade practice to use, contrary to the respective conditions specified, any of the following terms, designations, or representations:

(a) "Rolled gold plate," "gold plated," "plate," "plated," "gold filled," "gold electroplated," "gold electroplate," shall not be used contrary to the provisions and specifications of § 174.2, nor shall these designations be used under any other circumstances or conditions which are false, misleading, or deceptive.

(b) The representations "gold," "karat gold," "karat," "carat," or the abbreviation "K", or any other abbreviation or representation of similar meaning, shall not be used when the case, accessory, or part to which it is applied is not pure gold or is not an alloy of gold of at least 10 karat fineness and the karat fineness is not clearly and truthfully disclosed in immediate conjunction with the representation; or when the representation alone or in combination with other words, terms, or representations is otherwise false, misleading, or deceptive: *Provided, however,* That the word "gold" may but need not be accompanied by the statement or disclosure of karat fineness when used in respect of pure gold, that is, gold of 24 karat fineness: *And provided further,* That nothing in this section shall be construed as prohibiting use under and in full conformity with the provisions of § 174.2 of the words "gold," "karat," or the abbreviation "K".

NOTE: The term "carat" or the abbreviation "C" is regarded as inappropriate as a designation of karat fineness or quality of the gold in watch cases or parts thereof.

(c) "Sterling," "sterling silver," "silver," "solid silver," "sterline," or designations or representations of similar import or indicativeness of silver, shall not be used when the case, accessory, or part referred to is not in fact sterling silver, that is, silver of at least 0.925 purity (subject to statutory tolerance), nor shall such designations or representations as "silvered," "silver finish," "silver effect," "silverline," or "silveroid" be used as descriptive of any case, accessory, or part thereof, not composed wholly of silver, such designations or representations having the capacity and tendency or effect of being deceptive or misleading in the manner or condition of their use or application.

(d) "Coin silver," "coin," or mark or description of similar import, shall not be used when the case, accessory, or part is not in fact composed of silver of the standard of purity of the silver coin of the United States dollar, or when the mark, designation, or representation is otherwise deceptive or misleading in the manner or conditions of its use or application.

(e) "Duragold," "dirigold," "noblegold," "goldine," "gold-appearing," "gold effect," "miragold," or any term or designation of similar import, or any phrase or representation indicating the substance, charm, quality, or beauty of gold or of natural gold, shall not be used when the watch case, accessory, or part thereof so described, is not composed throughout of gold, or of a gold alloy of at least 10 karat fineness, or when, although composed of such an alloy, the karat fineness thereof is not clearly and conspicuously shown in immediate conjunction with the term or representation, or when such term or representation is otherwise misleading or deceptive in the manner of its use or application.

(f) "Precious metal," or designation or representation of similar import, shall not be used when the watch case, accessory, or part thereof so described, is not in fact composed of precious metal of recognized standard of purity, grade, and quality, namely, gold of at least 10 karat fineness; silver of 0.925 purity (subject to statutory tolerance), or of the purity of the United States silver dollar when so qualified, or when designated as coin silver; or platinum, palladium, and related precious metals of the platinum group of the recognized standard of quality and purity. [Rule 5]

§ 174.6 *False invoicing.* Withholding from or inserting in invoices or billing any statement or information by reason of which omission or insertion a false record is made, wholly or in part, of the transaction which such invoices or billing purport to represent, with the effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 6]

§ 174.7 *Fictitious prices.* It is an unfair trade practice to offer for sale or sell watch cases, accessories, parts, or cased watches, at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 7]

§ 174.8 *Deception as to origin.* In the sale, offering for sale, or distribution of watch cases, cased watches, or accessories, it is an unfair trade practice to

use any marking, labeling, advertising, or other representation which is false or deceptive to the purchasing or consuming public as to country of origin of said watch or product, or which is false or deceptive in any other respect. [Rule 8]

§ 174.9 *Misrepresentation as to character of business.* It is an unfair trade practice for any concern, whether that of a person, firm, or corporation, to represent, directly or indirectly, that it is a manufacturer of a watch case, cased watch, or accessory, or that it owns or controls a factory engaged in the manufacture of such products, when such is not the fact; or in any other manner to misrepresent the character, extent, or type of its business. [Rule 9]

§ 174.10 *Imitation of trade-marks or trade names.* The use of false or deceptive trade or corporate names or marks, or the imitation or simulation of the trade-marks or trade names of competitors, with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice. [Rule 10]

§ 174.11 *Guarantees, warranties, etc.* It is an unfair trade practice to use any time guarantee, or to use or cause to be used any other guarantee or warranty, which is false, misleading, deceptive, or unfair to the purchasing or consuming public, whether in respect of the kind, quality, composition, serviceability, value, wearing qualities, method of manufacture, or in any other respect, or whether deceptive or misleading by reason of being incompletely or confusingly stated, impracticable of fulfillment, or through failure of guarantor scrupulously to fulfill terms. [Rule 11]

§ 174.12 *Misuse of the word "free," etc.* It is an unfair trade practice for any member of the industry to use the term "free," or any other term or representation of similar import or meaning, to describe, designate, or refer to any industy product which is not given to the recipient thereof without cost and unconditionally. [Rule 12]

§ 174.13 *Other forms of false advertising or deception.* It is an unfair trade practice to use any other representations, selling practices, or trade promotional methods which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any respect. Such inhibitions in this and other sections in this part against deceptive or misleading representations, practices, or methods shall apply regardless of the media or means by which published or disseminated, whether label, tags or brands, by newspaper, magazine or other advertisement, by trade promotional literature, by radio, correspondence or other written or oral communication, or whether by words, statements, depiction, or other form of representation. [Rule 13]

§ 174.14 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts in connection with the sale of industry products, or as an inducement thereto, by any scheme which involves lottery or scheme of chance, is an unfair trade practice. [Rule 14]

§ 174.15 *Commercial bribery.* It is an unfair trade practice for any member of the industry to give, or offer to give, or permit or cause to be given, directly or indirectly, money or anything of value to employees or agents of customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence or cause their employers or principals to purchase or contract to purchase the products of such industry member, or to refrain from purchasing products from competitors of such member. [Rule 15]

§ 174.16 *Coercing purchase of one product as a prerequisite to purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 16]

§ 174.17 *Prohibited discrimination—* (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* In the marketing in commerce[1] of products of the industry of like grade and quality for use, consumption, or resale within the jurisdiction of the United States, and subject to subdivisions (i), (ii), and (iii) of subparagraph (1) of this paragraph, it is an unfair trade practice for any member of the industry engaged therein to discriminate in price between different purchasers where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with such industry member or with any person who knowingly receives the benefit of such discrimination or with their customers.

(1) The inhibitions against such discrimination in price shall be applicable irrespective of whether the discrimination in the price itself is effected in the form, or through the means, of rebates, refunds, discounts, credits, allowances, or other form of price differential.

(i) Nothing however, herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the products are sold or delivered to said purchasers.

(ii) Nor shall anything herein contained prevent persons engaged in selling products in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade.

(iii) Nor shall anything herein contained prevent price changes from time to time where made in response to changing conditions affecting either (*a*) the market for the products concerned, or (*b*) the marketability of the products such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance or business in the products concerned.

(b) *Prohibited brokerage or commissions.* In the selling of industry products in commerce,[1] it is an unfair trade practice for any member of the industry engaged therein to pay or grant, or to receive or accept, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of such products, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* In the selling of industry products in commerce[1] by any member of the industry, and in the course thereof, it is an unfair trade practice for such member to pay or contract for the payment of anything of value to or for the benefit of his customer as compensation or in consideration for certain services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of such member competing in the distribution of such products.

(1) As used in this paragraph, the certain services or facilities referred to are such as are furnished by or through the customer in connection with the processing, handling, sale, or offering for sale, of such industry member's products.

(d) *Prohibited discrimination in services or facilities.* In the sale of industry products bought for resale, with or without processing, it is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser by furnishing certain services or facilities upon terms not accorded to all purchasers on proportionately equal terms.

(1) Said services or facilities referred to in this paragraph are such as are connected with the processing, handling, sale, or offering for sale, of the products purchased, and the term "furnishing" as used in this paragraph shall be construed as including contracting to furnish, and contributing to the furnishing of, the services or facilities.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry, in the course of commerce[1] in which he is engaged, knowlingly to induce or receive a discrimination in price

[1] As used throughout § 174.17, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

which is prohibited by the foregoing provisions in this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 17]

§ 174.18 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, corporation, or organization to use or to aid, abet, coerce, or induce another, directly or indirectly, to use, or promote the use of, any unfair trade practice specified in the rules in this part, or of any other unfair method of competition or unfair or deceptive act or practice. [Rule 18]

GROUP II

§ 174.100 *General statement.* Compliance with trade practice provisions embraced in § 174.101 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such section does not per se constitute violation of law. Where, however, the practice of not complying with § 174.101 is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 174.1 to 174.18, inclusive.

§ 174.101 *Return of merchandise.* The practice of selling merchandise and later permitting the purchaser to return it for credit or refund of purchase price, without just cause, creates waste and loss, increases the cost of doing business to the detriment of both the industry and the public, and is deemed inconsistent with sound industry practice; *Provided, however,* That nothing herein shall be construed as preventing the return of merchandise by the purchaser, for credit or refund of purchase price, when and because such merchandise has not been properly stamped, labeled, or marked in respect to disclosure of metal content, identity of manufacturer, or used or second-hand nature of product, or otherwise, as specified in the rules in this part, or when and because the product has been falsely or deceptively marked, labeled, or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect contrary to warranty or purchase contract. The application of this section is also subject to the general limitation that members of the industry shall not, in relation thereto or otherwise, engage in any combination or conspiracy in restraint of trade or use any other illegal methods in the regulation, control, or prevention of the return of merchandise. [Rule A]

Promulgated and issued by the Federal Trade Commission, January 30, 1948.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-825; Filed, Jan. 29, 1948; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

POWERS

Section 500.1 of Subpart A (24 CFR, 1946 Supp.) is amended to read as follows:

§ 500.1 *Powers.* The Federal Housing Administration exercises the powers conferred upon it by the National Housing Act, as amended. Under the provisions of the National Housing Act, all powers of the Federal Housing Administration are exercised by the Federal Housing Administrator. Under the provisions of Reorganization Plan No. 3 of 1947, effective July 27, 1947, the functions of the Federal Housing Administrator are transferred to the Federal Housing Commissioner. (Sec. 1, 48 Stat. 1246 as amended; 12 U. S. C. and Sup. 1702; Reorg. Plan No. 3 of 1947, effective July 27, 1947, 12 F. R. 4981)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

JANUARY 26, 1948.

[F. R. Doc. 48-844; Filed, Jan. 29, 1948; 8:47 a. m.]

PART 500—GENERAL

ORGANIZATION AND FUNCTIONS

Paragraph (e) (1) of § 500.21, Subpart C (24 CFR, 1946 Supp.), is amended to read as follows:

§ 500.21 *Central office.* * * *

(e) *Administrative services.* (1) Personnel Division develops and administers the personnel program, including appointments, promotions, demotions, separations, classification, and transfer of personnel. Administers efficiency rating program, training and employee relations programs, and other related functions.

(Sec. 1, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1702; Reorg. Plan No. 3 of 1947, effective July 27, 1947, 12 F. R. 4981)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

JANUARY 26, 1948.

[F. R. Doc. 48-843; Filed, Jan. 29, 1948; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter A—Regulations

PART 531—REASONABLE COST OF BOARD, LODGING, AND OTHER FACILITIES

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 777—GENERAL STATEMENT AS TO THE METHODS OF PAYMENT UNDER THE FAIR LABOR STANDARDS ACT AND THE APPLICATION OF SECTION 3 (m) THERETO

1. Pursuant to the authority vested in me by section 3 (m) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, 1061, 29 U. S. C. 203 (m)), I hereby amend Part 531 by inserting a footnote "1" immediately after the word *"facilities"* in the caption, reading as follows:

[1] A general statement as to the methods of payment under the Fair Labor Standards Act and the application of section 3 (m) thereto appears in Part 777 of this chapter to which reference is made to the extent that it contains interpretations applicable to Part 531.

2. Part 777, entitled as set forth above, is added as follows:

Sec.
777.0 Introductory statement.
777.1 Relation to other laws.

HOW PAYMENT MAY BE MADE

777.2 Payment in cash or its equivalent required.
777.3 Restrictions applicable where payment is not in cash.
777.4 Board, lodging, or other facilities.
777.5 "Furnished" to the employee.
777.6 "Customarily" furnished.
777.7 "Other facilities."
777.8 "Reasonable cost."
777.9 Payment in scrip or similar medium not authorized.
777.10 "Free and clear" payment; "kickbacks."

PAYMENT WHERE ADDITIONS OR DEDUCTIONS ARE INVOLVED

777.11 Nonovertime workweeks.
777.12 Overtime workweeks.

PAYMENTS MADE TO PERSON OTHER THAN EMPLOYEE

777.13 Amounts deducted for taxes.
777.14 Payments to third persons pursuant to court order.
777.15 Payments to employee's assignee.

AUTHORITY: §§ 777.0 to 777.15, inclusive, issued under 52 Stat. 1060, as amended, 29 U. S. C. and Sup. Chap. 8.

§ 777.0 *Introductory statement.* (a) Since the enactment of the Fair Labor Standards Act of 1938, the views of the Administrator as to the methods of payment of the compensation required to be paid employees under the act, and the application of section 3 (m) thereto, have been expressed in interpretations issued from time to time in various forms. These interpretations were always issued with the understanding that they were only advisory, so far as the rights and liabilities of employers and employees were concerned, because the courts alone had the authority to make legally binding interpretations. However, the Portal-to-Portal Act of 1947 [1] contemplates that interpretations of the Administrator will now, under certain circumstances, be controlling in determining such rights and liabilities in the courts. This has made it necessary, for the protection of employees and employers who may seek to rely on the Administrator's interpretations, that interpretations previously issued concerning methods of payment and the application thereto of section 3 (m) of the act be re-examined in order to determine whether they now correctly interpret the law in the light of developments subsequent to their issuance, and that the Administrator's position be clarified for the future. This part, as of the

[1] Public Law 29, 80th Cong., Chap. 52, 1st sess.

date of its publication in the FEDERAL REGISTER, superseeds and replaces such prior interpretations. Its purpose is to make available in one place general interpretations of the Administrator which will provide "a practical guide to employers and employees as to how the office representing the public interest in enforcement of the law will seek to apply it."[2] The interpretations contained in this part indicate, with respect to the methods of paying the compensation required by sections 6 and 7 and the application thereto of the provisions of section 3 (m) of the act, the construction of the law which the Administrator believes to be correct and which will guide him in the performance of his administrative duties under the act unless and until he is otherwise directed by authoritative decisions of the court or concludes, upon re-examination of an interpretation, that it is incorrect.

(b) Effective on the date of publication of this part in the FEDERAL REGISTER, all prior general and specific interpretations contained in interpretative bulletins, releases, opinion letters and other statements issued with respect to the interpretation of the provisions of the Fair Labor Standards Act of 1938 as they relate to the methods of paying the requisite compensation and the application of section 3 (m) thereto are rescinded and withdrawn.[3] An interpretation so rescinded and withdrawn shall not hereafter constitute an interpretation of the Administrator unless and until it is reissued as such. However, the action of the Administrator in rescinding or withdrawing any such prior interpretation or his omission to discuss a particular problem in this part or in interpretations supplementing it does not constitute an administrative interpretation or practice or enforcement policy.

§ 777.1 *Relation to other laws.* Various federal, state, and local legislation requires the payment of wages in cash; prohibits or regulates the issuance of scrip, tokens, credit cards, "dope checks," or coupons; prevents or restricts payment of wages in services or facilities; controls company stores and commissaries; outlaws "kick-backs"; restrains assignment and garnishment of wages; and generally governs the calculation of wages and the frequency and manner of paying them. Where such legislation is applicable and does not contravene the requirements of the Fair Labor Standards Act of 1938, nothing in the act, the regulations, or the interpretations announced by the Administrator should be taken to override or nullify the provisions of these laws. The following discussion deals only with the independent requirements of the Fair Labor Standards Act.

[2] Skidmore v. Swift & Co., 323 U. S. 134.

[3] This does not affect Part 531 of this chapter, containing official "reasonable cost" regulations issued pursuant to the authority conferred by section 3 (m) of the act, or any finding and determination of reasonable cost made pursuant thereto, or Part 516 of this chapter, containing official record-keeping regulations issued pursuant to the authority conferred by section 11 (c) of the act.

HOW PAYMENT MAY BE MADE

§ 777.2 *Payment in cash or its equivalent required.* (a) Standing alone, sections 6 and 7 of the act require payment of the prescribed wages, including overtime compensation, in cash or negotiable instrument payable at par.[4] Section 3 (m) provides that the "'wage' paid to any employee includes the reasonable cost, as determined by the Administrator, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees." It is section 3 (m) which permits and governs the payment of wages in other than cash.

(b) It should not be assumed that because the term "wage" does not appear in section 7, all overtime compensation must be paid in cash and may not be paid in board, lodging, or other facilities. There appears to be no evidence in either the statute or its legislative history which demonstrates the intention to provide one rule for the payment of the minimum wage and another rule for the payment of overtime compensation. The principles stated in paragraph (a) of this section, are considered equally applicable to payment of the minimum wage required by section 6 and to payment, when overtime is worked, of the compensation required by section 7. Thus, in determining whether he has met the minimum wage and overtime requirements of the act, the employer may credit himself with the reasonable cost to himself of board, lodging, or other facilities customarily furnished by him to his employees. Unless the context clearly indicates otherwise, the term "wage" is used in this part to designate the amount due under either section 6 or section 7 without distinction.

§ 777.3 *Restrictions applicable where payment is not in cash.* It appears to have been the clear intention of Congress to protect the basic minimum wage and overtime compensation required to be paid to the employee by sections 6 and 7 of the act from profiteering or manipulation by the employer in dealings with the employee. Section 3 (m) of the act and Part 531 of this chapter, issued under the authority contained in that section, accordingly prescribe certain limitations and safeguards which control the payment of wages in other than cash.[5] These provisions, it should be emphasized, do not prohibit payment of wages in facilities furnished either as additions to a stipulated wage or as items for which deductions from the stipulated wage will be made; they prohibit only the use of such a medium of payment to avoid the obligations imposed by sections 6 and 7.

§ 777.4 *Board, lodging, or other facilities.* Section 3 (m) applies to both of the following situations: (a) Where board, lodging, or other facilities are furnished in addition to a stipulated wage; and (b) where charges for board, lodging, or other facilities are deducted from a stipulated wage. The use of the word "furnishing" and the legislative history of section 3 (m) clearly indicate that this section was intended to apply to all facilities furnished by the employer as compensation to the employee, regardless of whether the employer calculates charges for such facilities as additions to or deductions from wages.

§ 777.5 *"Furnished" to the employee.* The reasonable cost of board, lodging, or other facilities may be considered as part of the wage paid an employee only where customarily "furnished" to the employee. Not only must the employee receive the benefits of the facility for which he is charged, but it is essential that his acceptance of the facility be voluntary and uncoerced.[6]

§ 777.6 *"Customarily" furnished.* The reasonable cost of board, lodging, or other facilities may be considered as part of the wage paid an employee only where "customarily" furnished to the employee. Where such facilities are "furnished" to the employee, it will be considered a sufficient satisfaction of this requirement if the facilities are furnished regularly by the employer to his employees or if the same or similar facilities are customarily furnished by other employers engaged in the same or similar trade, business, or occupation in the same or similar communities.[7] Facilities furnished in violation of any federal, state, or local law, ordinance or prohibition will not be considered facilities "customarily" furnished.

§ 777.7 *"Other facilities."* (a) "Other facilities," as used in this section, must be something like board or lodging. The following items have been deemed to be within the meaning of the term: Meals furnished at company restaurants or cafeterias; housing furnished for dwelling purposes; general merchandise fur-

[4] Section 6 requires the payment of a minimum wage rate of not less than 40 cents per hour, except in certain industries in Puerto Rico and the Virgin Islands. Section 7 requires the payment of overtime compensation at not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in a workweek. The general wage and hours provisions of the law are subject to qualifications contained in sections 7 (b), 7 (c), 13, and 14. See Parts 779–784 of this chapter.

Tips may be credited or offset against the wages payable under the Act in certain circumstances, if the employment agreement is such that the tips belong to the employer. See Williams v. Jacksonville Terminal Co., 315 U. S. 386. Cf. Southern Ry. Co. v. Black, 127 F. (2d) 280 (C. C. A. 4); Townsend v. New York Central R. R. Co., 141 F. (2d) 483 (C. C. A. 7), certiorari denied 323 U. S. 717; Harrison v. Terminal R. R. Assn., 126 F. (2d) 421 (C. C. A. 8); Harrison v. Kansas City Terminal Ry. Co., 126 F. (2d) 422 (C. C. A. 8); Ryan v. Denver Union Terminal Ry. Co., 126 F. (2d) 782 (C. C. A. 10). See in this connection the record-keeping requirements contained in § 516.10 of this chapter.

[5] Special record-keeping requirements must also be met. These are contained in Part 516 of this chapter.

[6] See Williams v. Atlantic Coast Line Railroad Company (D. C. E. D. N. C.), decided February 19, 1940 (1 W. H. Cases 289).

[7] See Walling v. Alaska Pacific Consolidated Mining Co., 152 F. (2d) 812 (C. C. A. 9), cert. denied 327 U. S. 803; Southern Pacific Co. v. Joint Council (C. C. A. 9), 7 W. H. Cases 535.

nished at company stores and commissaries (including articles of food, clothing, and household effects); fuel (including coal, kerosene, firewood, and lumber slabs), electricity, water and gas furnished for the noncommercial personal use of the employee; transportation furnished employees between their homes and work where the travel time does not constitute hours worked compensable under the Act and the transportation is not an incident of and necessary to the employment.

(b) Shares of capital stock in an employer company, representing only a contingent proprietary right to participate in profits and losses or in the assets of the company at some future dissolution date, do not appear to be "facilities" within the meaning of the section.

(c) It should also be noted that under § 531.1 (d) of this chapter "the cost of furnishing 'facilities' which are primarily for the benefit or convenience of the employer will not be recognized as reasonable and may not therefore be included in computing wages." Items in addition to those set forth in § 531.1 of this chapter which have been held to be primarily for the benefit or convenience of the employer and are not therefore to be considered "facilities" within the meaning of section 3 (m) include: Safety caps, explosives, and miners' lamps (in the mining industry); electric power (used for commercial production in the interest of the employer); company police and guard protection; taxes and insurance on buildings of the employer; "dues" to chambers of commerce and other organizations used, for example, to repay subsidies given to the employer to locate his factory in a particular community; transportation charges where such transportation is an incident of and necessary to the employment (as in the case of maintenance-of-way employees of a railroad); charges for rental of uniforms where the nature of the business requires the employee to wear a uniform; medical services and hospitalization which the employer is bound to furnish under workmen's compensation acts or similar federal, state, or local law.

§ 777.8 *"Reasonable cost."* (a) Section 3 (m) directs the Administrator to determine "the reasonable cost * * * to the employer of furnishing * * *" facilities to the employee. Two methods of determining such reasonable cost are provided in Part 531 of this chapter: (1) Employers may consider facilities furnished as part of wages when the cost of such facilities is calculated in accordance with the requirements set forth in § 531.1; (2) the procedure by which an individual hearing may be held to determine the reasonable cost of furnishing facilities to particular employees is outlined in § 531.2. A determination of reasonable cost under either section will be deemed compliance with section 3 (m). In hearings conducted under § 531.2 of this chapter the Administrator or his duly authorized representative will apply the principles announced in § 531.1 unless a clear and persuasive reason for special treatment is shown.

(b) Reasonable cost, as defined in § 531.1 (a) of this chapter, "does not include a profit to the employer or to any affiliated person." Although the question of affiliation is one of fact, where any of the following persons operate company stores or commissaries or furnish lodging or other facilities they will normally be deemed "affiliated persons" within the meaning of the regulations: (1) a spouse, child, parent, or other close relative of the employer; (2) a partner, officer, or employee, in the employer company or firm; (3) a parent, subsidiary, or otherwise closely connected corporation; and (4) an agent of the employer.

§ 777.9 *Payment in scrip or similar medium not authorized.* Scrip, tokens, credit cards, "dope checks," coupons, and similar devices are not proper mediums of payment under the act. They are neither cash nor "other facilities" within the meaning of section 3 (m). However, the use of such devices for the purpose of conveniently and accurately measuring wages earned or facilities furnished during a single pay period is not prohibited. Piece work earnings, for example, may be calculated by issuing tokens (representing a fixed amount of work performed) to the employee, which are redeemed at the end of the pay period for cash. The tokens do not discharge the obligation of the employer to pay wages, but they may enable him to determine the amount of cash which is due to the employee. Similarly board, lodging, or other facilities may be furnished during the pay period in exchange for scrip or coupons issued prior to the end of the pay period. The reasonable cost of furnishing such facilities may be included as part of the wage, since payment is being made not in scrip but in facilities furnished under the requirements of section 3 (m). But the employer may not credit himself with "unused scrip" or "coupons outstanding" at the pay day in determining whether he has met the requirements of the act because such scrip or coupons have not been redeemed for cash or facilities within the pay period. Similarly, the employee cannot be charged with the loss or destruction of scrip or tokens.

§ 777.10 *"Free and clear" payment; "kick-backs."* Whether in cash or in facilities, "wages" cannot be considered to have been paid by the employer and received by the employee unless they are paid finally and unconditionally or "free and clear." The wage requirements of the act will not be met where the employee "kicks back" directly or indirectly to the employer or to another person for the employer's benefit the whole or part of the wage delivered to the employee. This is true whether the "kick-back" is made in cash or in other than cash. For example, if it is a requirement of the employer that the employee must provide tools of the trade which will be used up in or are specifically required for the performance of the employer's particular work, there would be a violation of the act in any workweek when the cost of such tools purchased by the employee cuts into the minimum or overtime wages required to be paid him under the act.

PAYMENT WHERE ADDITIONS OR DEDUCTIONS ARE INVOLVED

§ 777.11 *Nonovertime workweeks*—(a) When no overtime is worked by the employee, section 3 (m) and Part 531 of this chapter are applicable only to the minimum wage of 40 cents per hour for all hours worked. To illustrate, where an employee works 40 hours a week at a cash wage rate of 40 cents an hour and is paid $16 in cash free and clear at the end of the workweek, and in addition is furnished facilities valued at $4.00, no consideration need be given to the question of whether such facilities meet the requirements of section 3 (m) and the regulations, since the employee has received in cash the statutory minimum wage of 40 cents for all hours worked. Similarly, where an employee is employed at a rate of 50 cents an hour and during a particular workweek works 40 hours for which he is paid $16 in cash, the employer having deducted $4.00 from his wages for facilities furnished, whether such deduction meets the requirements of section 3 (m) and Part 531 need not be considered, since the employee is still receiving, after the deduction has been made, a cash wage of 40 cents per hour. Deductions for board, lodging, or other facilities may be made in nonovertime workweeks even if they reduce the cash wage below the minimum, *Provided,* The prices charged do not exceed the reasonable cost of such facilities. When such items are furnished the employee at a profit, the deductions from wages in weeks in which no overtime is worked are considered to be illegal only to the extent that the profit reduces the wage (which includes the reasonable cost of the facilities) below the required minimum. Accordingly, if an employee employed at a rate of 50 cents an hour works 40 hours in a workweek and is paid only $11 in cash, $9.00 having been deducted for facilities furnished to him, such facilities must be measured by the requirements of section 3 (m) and Part 531 of this chapter to determine if the employee has received the minimum of $16 (40 hours × 40 cents) in cash or in facilities which may be legitimately included in "wages" payable under the act. The same would be true where an employee is furnished the facilities in addition to a cash wage of $11 for 40 hours of work. In either case, if the "reasonable cost" to the employer of legitimate facilities equals at least $5.00, the requirements of the act are met.*

(b) Deductions for articles such as tools, miners' lamps, dynamite caps, and other items which do not constitute "board, lodging, or other facilities" may likewise be made in nonovertime workweeks if the employee nevertheless receives the required minimum wage in cash free and clear; but to the extent that they reduce the wages of the employee in any such workweek below the minimum required by the act, they are illegal.

* Cf. Southern Pacific Co. v. Joint Council, (C. C. A. 9), 7 W. H. Cases 536.

§ 777.12 *Overtime workweeks.* (a) Section 7 requires that the employee receive compensation for overtime hours at "a rate not less than one and one-half times the regular rate at which he is employed." When overtime is worked by an employee who receives the whole or part of his wage in facilities and it becomes necessary to determine the portion of his wages represented by facilities, all such facilities must be measured by the requirements of section 3 (m) and Part 531 of this chapter. It is the Administrator's opinion that deductions may be made, however, on the same basis in an overtime workweek as in nonovertime workweeks (see § 777.11), if their purpose and effect are not to evade the overtime requirements of the act or other law and providing the amount deducted does not exceed the amount which could be deducted if the employee had only worked 40 hours during the workweek. For example, if an employee is employed at a rate of 50 cents an hour (10 cents in excess of the minimum wage) the maximum amount which may be deducted from his wages in a 40-hour workweek for items such as tools, dynamite, caps, miners' lamps or other articles which are not "facilities" within the meaning of the act, is 40 times 10 cents or $4.00 (see § 777.11 above). Deductions in excess of this amount for such articles are illegal in overtime workweeks as well as in nonovertime workweeks. There is no limit on the amount which may be deducted for "board, lodging or other facilities" in overtime workweeks (as in workweeks when no overtime is worked), *Provided,* That these deductions are made only for the reasonable cost of the items furnished. When such items are furnished at a profit, the amount of the profit (plus the full amount of any deductions for articles which are not facilities) may not exceed $4.00 in the above example. The principles stated above assume a situation where bona fide deductions are made for particular items in accordance with the agreement or understanding of the parties. If the situation is solely one of refusal or failure to pay the full amount of wages required by section 7, these principles have no application. Deductions made only in overtime workweeks, or increases in the prices charged for articles or services during overtime workweeks will be scrutinized to determine whether they are manipulations to evade the overtime requirements of the Act.

(b) Where deductions are made for board, lodging, or other facilities, the regular rate of pay is arrived at on the basis of the stipulated wage before any deductions have been made. Where such facilities are customarily furnished as additions to a cash wage, the reasonable cost of the facilities to the employer must be considered as part of the employee's regular rate of pay.[9] Thus, suppose an employee, employed at a cash rate of 80 cents an hour, works 48 hours during a particular workweek. If, in addition, he is furnished board, lodging, or other facilities valued at $12, but whose "reasonable cost" is $9.60, the $9.60 must be added to his cash straight-time pay of $38.40 (80 cents+48 hours) in determining the regular rate of pay on which his overtime compensation is to be calculated. The regular rate then becomes $1.00 an hour ([$38.40+$9.60=$48]÷[48 hours]=$1.00 an hour). The employee is thus entitled to receive a total of $52 for the week. ([40 hours×$1.00=$40]+[8 hours×$1.50=$12]. In addition to the straight-time pay of $38.40 in cash and $9.60 in facilities, extra compensation of $4.00 in cash for the eight overtime hours must, therefore, be paid by the employer, to meet the requirements of the act.

PAYMENTS MADE TO PERSON OTHER THAN EMPLOYEE [10]

§ 777.13 *Amounts deducted for taxes.* Taxes which are assessed against the employee and which are collected by the employer and forwarded to the appropriate governmental agency may be included as "wages" although they do not technically constitute "board, lodging, or other facilities" within the meaning of section 3 (m). This principle is applicable to the employee's share of social security and state unemployment insurance taxes, as well as other federal, state, or local taxes, levies, and assessments. No deduction may be made for any tax or share of a tax which the law requires to be borne by the employer.

§ 777.14 *Payments to third persons pursuant to court order.* Where an employer is legally obliged, as by order of a court of competent and appropriate jurisdiction, to pay a sum for the benefit or credit of the employee to a creditor of the employee, trustee, or other third party, under garnishment, wage attachment, trustee process, or bankruptcy proceeding, deduction from wages of the actual sum so paid is not prohibited: *Provided,* That neither the employer nor any person acting in his behalf or interest derives any profit or benefit from the transaction. In such case, payment to the third person for the benefit and credit of the employee will be considered equivalent, for the purposes of the act, to payment to the employee.

§ 777.15 *Payments to employee's assignee.* (a) Where an employer is directed by a vlountary assignment or order of his employee to pay a sum for the benefit of the employee to a creditor, donee, or other third party, deduction from wages of the actual sum so paid is not prohibited, *Provided,* That neither the employer nor any person acting in his behalf or interest, directly or indirectly, derives any profit or benefit from the transaction. In such case, payment to the third person for the benefit and credit of the employee will be considered equivalent, for purposes of the act, to payment to the employee.

(b) No payment by the employer to a third party will be recognized as a valid payment of compensation required under the act where it appears that such payment was part of a plan or arrangement to evade or circumvent the requirements of section 3 (m) or Part 531 of this chapter. For the protection of both employer and employee, it is suggested that full and adequate record of all assignments and orders be kept and preserved and that provisions of the applicable state law with respect to signing, sealing, witnessing, and delivery be observed.

(c) Under the principles stated in paragraphs (a) and (b) of this section, employers have been permitted to treat as payments to employees for purposes of the act sums paid at the employees' direction to third persons for the following purposes: Sums paid, as authorized by the employee, for the purchase in his behalf of United States Savings Stamps or United States Savings Bonds; union dues paid pursuant to a collective bargaining agreement with bona fide representatives of the employees and as permitted by law;[11] employees' store accounts with merchants wholly independent of the employer; insurance premiums (paid to independent insurance companies where the employer is under no obligation to supply the insurance and derives, directly or indirectly, no benefit or profit from it); voluntary contributions to churches and charitable, fraternal, athletic, and social organizations or societies from which the employer receives no profit or benefit directly or indirectly.

Signed at Washington, D. C., this 23d day of January 1948.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 48-850; Filed, Jan. 29, 1948; 8:49 a. m.]

[9] See Walling 1. Alaska Pacific Consolidated Mining Co., 152 F. (2d) 812 (C. C. A. 9), cert. denied 327 U. S. 803. The calculation of overtime compensation is explained in Part 778 of this chapter.

[10] The principles discussed in the following sections need be considered only where section 3 (m) of the act and Part 531 of this chapter are held applicable as explained in §§ 777.3-777.12—that is, when the required minimum wage and overtime compensation have not been paid to the employee in cash free and clear.

[11] See in this connection the requirements of section 302 of the Labor Management Relations Act, 1947 (Public Law 101, 80th Congress, Chapter 120, 1st Session).

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—GENERAL RULES AND REGULATIONS

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendments of Parts 2 and 3 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of January 1948:

The Commission having under consideration a proposal to reprint Part 3 of its rules and regulations with various editorial changes therein; and

It appearing, that the proposed editorial changes are not substantive and

do not in any way affect the requirements of any of the Commission's rules and regulations; that said changes consist of improvements in the language of the rules and of the redesignation of a few section numbers in said Parts 2 and 3; and that these changes will clarify the content of said rules and will facilitate the use and understanding of said Parts 2 and 3 by the public; and

It further appearing, that because of the minor nature of the proposed changes and the benefits to be derived by the immediate effectuation thereof, compliance with the requirements of section 4 of the Administrative Procedure Act is unnecessary;

It is ordered that, Effective immediately, Parts 2 and 3 are amended to the extent and in the manner set forth below.

NOTE: Part 3, Rules Governing Radio Broadcast Services, revised to January 16, 1948, is presently in the process of printing at the Government Printing Office. The changes set forth above will, of course, be incorporated in this edition of Part 3.

Released: January 20, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

List of editorial changes to Part 3, Rules Governing Radio Broadcast Services.

1. Table of Contents:

Subpart C—Recodified as part of Subpart A.

Section 3.401—Recodified as 3.164.

Section 3.402—Recodified as 3.165 (a).

Section 3.403—Recodified as 3.165 (b).

Section 3.404—Recodified as 3.181.

Section 3.405—Recodified as 3.182.

Section 3.406—Recodified as 3.187.

Section 3.407—Recodified as 3.188.

Section 3.408—Recodified as 3.191.

Section 3.409—Recodified as 3.189.

Section 3.421—Recodified as 3.190 (b).

Section 3.422—Recodified as 3.190 (a).

Section 3.423—Recodified as 3.190 (c).

Section 3.424—Recodified as 3.190 (d).

Subpart D—Recodified as Subpart C.

Subpart D—Reserved for Rules Governing Facsimile Broadcast Stations.

Subpart B—Insert word "Broadcast" after "FM" in subtitle to read: "Classification of FM broadcast stations and allocation of frequencies".

Subpart B—Insert word "broadcast" after "FM" in title of § 3.201.

Subpart B—Insert word "broadcast" after "FM" in title of § 3.211.

2. Subpart A—Rules Governing Standard Broadcast Stations:

Section 3.32 (a)—Correct footnote reference § 1.365 to read § 1.324.

Section 3.45 (c)—Revise footnote to read: "Informal application may be made, except in controversial cases or in cases involving directional antenna; then formal application shall be made."

Section 3.57—Correct "inspector" to read "engineer".

Section 3.63—Correct footnote reference § 1.365 to read § 1.324.

Section 3.71—Correct "inspector" to read "engineer".

Section 3.74—Correct "inspector" to read "engineer".

Section 3.77—Correct "inspector" to read "engineer".

Section 3.164—Formerly codified as 3.401.

Section 3.165 (a)—Formerly codified as 3.402.

Section 3.165 (b)—Formerly codified as 3.403.

Section 3.181—Formerly codified as 3.404.

Section 3.182—Formerly codified as 3.405.

Section 3.187—Formerly codified as 3.406.

Section 3.188—Formerly codified as 3.407.

Section 3.189—Formerly codified as 3.409.

Section 3.190 (a)—Formerly codified as 3.422.

Section 3.190 (b)—Formerly codified as 3.421.

Section 3.190 (c)—Formerly codified as 3.423.

Section 3.190 (d)—Formerly codified as 3.424.

Section 3.191—Formerly codified as 3.408.

Section 3.52—Delete footnote reference to Order No. 107. (Order No. 107 was revoked by Order No. 107–A, effective October 1, 1945.)

3. Subpart B—Rules Governing FM Broadcast Stations:

Section 3.204—Substitute "1 mv/m" for "1000 uv/m."

Section 3.204—Substitute "1 kw" for "1000 watts."

Section 3.216 (a)—Insert word "broadcast" after "FM."

Section 3.216 (a)—Substitute words "concerning FM broadcast stations" for words "governing FM stations."

Section 3.216 (a)—Correct "inspector" to read "engineer."

Section 3.216 (c)—Substitute words "Broadcast stations" for word "Broadcasting."

Section 3.216 (c)—Substitute words "Class B" for "metropolitan and rural."

Section 3.216 (c)—Substitute words "Class A" for "community."

Section 3.217 (a)—Substitute words "concerning FM broadcast stations" for the words "governing FM stations."

Section 3.217 (a)—Correct "inspector" to read "engineer."

Section 3.220 (a)—Insert words "broadcast station" after "FM."

Section 3.220 (a)—Change reference to §§ 1.301–1.304 to read §§ 1.341–1.344.

Section 3.220 (b)—Insert words "broadcast station" after "FM."

Section 3.221—Insert words "broadcast station" after "FM."

Section 3.223 (a)—Insert words "broadcast station" after "FM."

Section 3.223 (b) (2)—Insert words "broadcast station" after "FM."

Section 3.239—Correct subdivision designations (1), (2), and (3) to read (a), (b), and (c).

Section 3.239—Insert words "broadcast station" after "FM."

Section 3.239—Substitute words "of FM broadcast station license" for the words "of an FM license."

Section 3.239 (a)—Insert words "broadcast station" after "FM."

Section 3.239 (c)—Insert word "broadcast" after "FM."

Section 3.251—Substitute the words "standard power rating" for the words "rated power."

Section 3.254—Substitute the word "transmitting" for the word "transmitter."

Section 3.255—Substitute words "transmitter of an FM broadcast station" for the words "transmitter of a broadcast station."

Section 3.255 (c) (2)—Correct footnote reference § 1.365 to read § 1.324.

Section 3.256—Correct "a" to read "an."

Section 3.257 (b)—Correct reference to "Form FCC No. 322" to read "Form FCC No. 301."

Section 3.261—Correct "inspector" to read "engineer."

Section 3.263 — Substitute word "broadcast" for word "radio."

Section 3.265—Insert word "or" within the parentheses before the word "Form."

Section 3.265—Insert words "FM broadcast" after word "each."

Section 3.266—Insert word "broadcast" between "FM" and "station."

Section 3.266—Substitute words "engineering standards concerning facsimilie broadcasting" for the words "Commission's Standards of Good Engineering Practice on facsimile."

Section 3.267—Substitute the word "concerning" for the word "covering."

Section 3.268—Substitute words "FM broadcast" for word "all."

Section 3.270—Insert word "broadcast" after "FM."

Section 3.281—Substitute words "FM broadcast station" for the words "FM radio broadcasting station," in first sentence.

Section 3.281 (c)—Correct reference to § 3.240 to read 3.270.

Section 3.282—Insert word "broadcast" after "FM."

Section 3.287—Substitute words "FM broadcast station" for the words "FM radio broadcasting station," in first sentence.

Section 3.288 (a)—Insert word "duration" after word "longer."

Section 3.288 (c)—Insert words "duration of" after words "program of."

Section 3.291 (d)—Amend footnote by substituting the words "remote pickup" for the word "relay"; and by substituting the words "an ST broadcast station" for the words "studio transmitter link."

4. Subpart C—General Rules applicable to Standard Broadcast Stations: Recodify as part of Subpart A—Rules Governing Standard Broadcast Stations (to follow § 3.108), as follows:

Section 3.401—Recodify as § 3.164.

Section 3.402—Recodify as § 3.165 (a).

Section 3.403—Recodify as § 3.165 (b).

Section 3.404—Insert word "standard" after word "each" in first sentence.

Section 3.404—Recodify as § 3.181.

Section 3.405—Delete words "or high-frequency."

Section 3.405—Recodify as § 3.182.

Section 3.406—Delete words "or high-frequency."

Section 3.406—Recodify as § 3.187.

Section 3.407—Recodify as §3.188.

Section 3.408—Delete words "or high-frequency" (in paragraphs (b), (c) (1) and (c) (2)).

Section 3.408—Recodify as § 3.191.

Section 3.409—Recodify as § 3.189.

Section 3.421—Recodify as § 3.190 (b).

Section 3.422—Recodify as § 3.190 (a).

Section 3.423—Recodify as § 3.190 (c).

Section 3.424—Recodify as § 3.190 (d).

5. Subpart D—Rules Governing Noncommercial Educational FM Broadcast Stations. Recodify as Subpart C.

6. Reserve Subpart D for Rules and Regulations Governing Facsimile Broadcast Stations (now under preparation).

7. Subpart C—Rules Governing Noncommercial Educational FM Broadcast Stations:

Section 3.505—Substitute "section 2 E" for "section 2E (2)"; and substitute "section 2 E" for "section 2E (1)."

Section 3.505—Substitute "1 mv/m" for "1,000 uv/m."

Section 3.551—Substitute the words "standard power rating" for the words "rated power."

Section 3.554—Substitute the word "transmitting" for the word "transmitter."

Section 3.555—Correct footnote reference to "§ 1.365" to read "§ 1.324."

8. Subpart D—Reserved for Rules and Regulations Governing Facsimile Broadcast Stations (now under preparation).

9. Subpart E—Rules Governing Television Broadcast Stations:

Section 3.606 (c) *Tabulation.* Make the following changes to reflect recent Commission actions:

Delete metropolitan channel #4 from Des Moines, and change the total of metropolitan stations in Des Moines to read "3" instead of "4."

Delete metropolitan channel #10 from Indianapolis, and change total of metropolitan stations in Indianapolis to read "4" instead of "5."

Delete opposite Knoxville and Lancaster the figures in the columns headed "Community Channel Nos." and "Total Stations."

Opposite Lancaster, indicate assignment of community channel #4, and show Lancaster as having a total of 1 community station.

Opposite Knoxville, indicate a total of 4 metropolitan stations.

Opposite Manchester, New Haven, Racine-Kenosha, and Reading, indicate a total of 1 community station.

Section 3.616 (a)—Correct "inspector" to read "engineer."

Section 3.655 (c) (2)—Correct footnote reference to "§ 1.365" to read "§ 1.324."

Section 3.655 (d)—Substitute words "they are" for "it is."

Section 3.657 (b)—Substitute words "Form FCC No. 301" for words "Form FCC No. 333."

Section 3.661 (a)—Correct "inspector in charge" to read "engineer in charge."

Section 3.665—Correct parenthetical reference "(Form FCC No. 759)" to read "(or Form FCC No. 759)."

Section 3.617 (a)—Correct "inspector" to read "engineer."

Section 3.620 (a)—Correct "1.301–1.304" to read "1.341–1.344."

10. Subpart F—Rules Governing International Broadcast Stations:

Section 3.716 (a)—Correct "inspector in charge" to read "engineer in charge."

Section 3.717 (a)—Correct "inspector in charge" to read "engineer in charge."

Section 3.757 (d)—Substitute words "they are" for the words "it is."

Section 3.761 (a)—Correct "inspector in charge" to read "engineer in charge."

Section 3.764—Correct parenthetical reference "(Form FCC No. 759)" to read "(or Form FCC No. 759)."

Section 3.789 (d)—In last sentence threeof, correct the words "television broadcast stations" to read "international broadcast stations."

Section 3.790—Correct footnote to heading by substituting the words "remote pickup" for the word "relay."

11. Delete §§ 2.55, 2.56, 2.57 and 2.58 from Part 2, General Rules and Regulations, and incorporate these rules in Part 3, Rules Governing Radio Broadcast Services (Subpart A, Rules Governing Standard Broadcast Stations), recodified as §§ 3.183, 3.184, 3.185 and 3.186. The text of these rules so recodified is set forth here for purposes of clarification and convenience:

§ 3.183 *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.184 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.185 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.186 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

[F. R. Doc. 48-855; Filed, Jan. 29, 1948; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter D—Freight Forwarders

PART 445—ANNUAL REPORTS

CLASSIFICATION OF FREIGHT FORWARDERS FOR REPORTING PURPOSES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of January A. D. 1948.

The subject of the classification of freight forwarders being under consideration, the following order was entered:

§ 445.3 *Classification for freight forwarders for reporting purposes.* (a) For the purpose of annual, other periodical, and special reports, freight forwarders subject to the provision of Part IV of the Interstate Commerce Act, shall be, and they hereby are, divided into two general classes designated respectively as Class A and Class B. Class A shall include all forwarders having annual gross operating revenues of $100,000 or more; and Class B, all forwarders having annual gross operating revenues less than $100,000.

(b) For the calendar year 1948 the classification of freight forwarders as aforesaid shall be based on the average annual gross operating revenues for the 3-year period ended with the calendar year 1947; and, subsequently, if at the close of any calendar year the average of the annual gross operating revenues for the latest 3-year period is greater or less than the amount applicable to the class in which the forwarder has been reporting, its class for the next succeeding year shall change accordingly; *Provided,* That:

(1) Forwarders which have operated for a period less than three calendar years shall be classified upon the basis of the average amount of their annual gross operating revenues, for the latest period of such operation;

(2) Newly organized forwarders which commence operations for revenue subsequently to the effective date of this order shall be assigned to classes, as above defined, on the basis of their gross operating revenues, known or estimated, for a year;

(3) Nothing contained in this order shall prevent changes in the assignment of forwarders to classes on the part of the Commission deemed to be warranted by special conditions; and,

(4) Forwarders shall within 30 days after the close of a calendar year notify the Commission's Bureau of Transport Economics and Statistics when a change of classification has taken place. (56 Stat. 294; 49 U. S. C. Sup., 1012)

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-852; Filed, Jan. 29, 1948; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10325]

JUSTUS KARL HEINRICH BEHRMANN

In re: Estate of Justus Karl Heinrich Behrmann, deceased. File D-28-11410; E. T. sec. 15637.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adele Behrmann, Anna Wolkenhaar, George Wolkenhaar and Ida Lange, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate and trust created under the will of Justus Karl Heinrich Behrmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by German Society of the City of New York, as executor and trustee, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-856; Filed, Jan. 29, 1948; 8:50 a. m.]

[Vesting Order 10333]

MARIE JAUCH

In re: Estate of Marie Jauch, deceased. File D-28-10313; E. T. sec. 14703.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fridl Knoll, nee Schneider, Herman Schneider and Albert Jakob, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Albert Jakob, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Marie Jauch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Central Trust Company, Cincinnati, Ohio, as Executor, acting under the judicial supervision of the Court of Probate of Hamilton County, State of Ohio;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the issue, names unknown, of Albert Jakob, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-857; Filed, Jan. 29, 1948; 8:50 a. m.]

[Vesting Order 10343]

HELLMUTH NOKE

In re: Estate of Hellmuth Noke, also known as Hellmuth H. Noke, Helmuth Noke and Helmuth H. Noke, deceased. File D-28-11495; E. T. sec. 15714.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willy Noke, Erwin Noke, Helene Noke Paul, Elsa Noke Hahn and Hanni Meretzner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Hellmuth Noke, also known as Hellmuth H. Noke, Helmuth Noke and Helmuth H. Noke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Lena Noke, as administratrix, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-858; Filed, Jan. 29, 1948; 8:50 a. m.]

[Vesting Order 10345]

EMILIE WIELAND REGSINGER

In re: Estate of Emilie Wieland Regsinger, deceased. File No. D-28-3412, D-28-3412-G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Wieland, whose last known address is Germany, is a resi-

dent of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Emilie Wieland Regsinger, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is on deposit with the County Treasurer of Orange County, Goshen, New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of Orange County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-859; Filed, Jan. 29, 1948; 8:50 a. m.]

[Vesting Order 10427]

KARL REISS

In re: Rights of Karl Reiss under Insurance Contract. File No. D-28-11609-H-10.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Reiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9841007, issued by The Equitable Life Assurance Society of the United States, New York, N. Y., to Christian F. Reihs, also known as Christian F. Reiss, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-860; Filed, Jan. 29, 1948; 8:51 a. m.]

[Vesting Order 10428]

KARL REISS

In re: Rights of Karl Reiss under insurance contract. File No. D-28-11606-H-11.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Reiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9507434, issued by The Equitable Life Assurance Society of the U. S., New York, N. Y. to Christian F. Reihs, also known as Christian F. Reiss, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-861; Filed, Jan. 29, 1948; 8:51 a. m.]

[Vesting Order 10436]

ELIZABETH S. VON RUMOHR

In re: Trust under deed of Elizabeth S. von Rumohr. File No. D 28-10279 G-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Cai D. von Rumohr, Cai H. von Rumohr, Gertrude von Rumohr, Friedrich K. von Rumohr, Wilhelm von Rumohr, Cai Wilhelm von Rumohr, Michael von Rumohr, Casper von Rumohr and Christiana von Rumohr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Cai H. von Rumohr, Gertrude von Rumohr, Wilhelm von Rumohr and Friedrich K. von Rumohr, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated October 28, 1931, by and between Elizabeth von Rumohr, "grantor," and Emilie Nunnemacher, Fred Vogel, Jr., and Louis Quarles and Oscar E. Nell, "Trustees," and in and to all property held thereunder by Henry S. Reuss and Louis Quarles, as Trustees, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the issue, names unknown, of Cai H. von Rumohr, Gertrude von Rumohr, Wilhelm von Rumohr and Friedrich K. von Rumohr, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-862; Filed, Jan. 29, 1948; 8:51 a. m.]

[Vesting Order 10437]

FANNIE WEISS

In re: Estate of Fannie Weiss, deceased. File D-28-2434; E. T. sec. 3655.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Pflugler-Schwarzmeier (named Anna Pflugler in Will of Fannie Weiss), Johann Pschorr, Matilde Pflugler-Forstl, also known as Mathilde Pf-Forstl, (named Matilde Pflugler in Will of Fannie Weiss), Johann Pschorr, Jr., and Fannie Voeght, also known as Fanny Voit, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of and trust created under the Will of Fannie Weiss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the National Bank of Auburn, as executor and trustee, acting under the judicial supervision of the Surrogate's Court of Cayuga County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-863; Filed, Jan. 29, 1948; 8:51 a. m.]

[Vesting Order 10457]

AMELIA ZIESENISS

In re: Estate of Amelia Zieseniss, deceased. File No. F-28-12612; E. T. sec. 16226.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Schmaedecke nee Lamcke, August Lange, individually and as executor of the estate of Amelia Zieseniss, deceased, Kaete Hartmann nee Lange, Kurt v. Frankenberg, Ida Fleck and Ernst Baass, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown, of Kaete Hartmann nee Lange, and the heirs, names unknown, of Kurt v. Frankenberg, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Amelia Zieseniss, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by H. Otto Giese, as administrator w. w. a., acting under the judicial supervision of the Superior Court of Washington for King County;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2 hereof are not within designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-864; Filed, Jan. 29, 1948; 8:51 a. m.]

[Vesting Order 10486]

KARL GEYER ET AL.

In re: Stock owned by Karl Geyer and others. F-28-24139-D-1/2, F-28-24141-D-1/2, F-28-25823-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Geyer, whose last known address is Rottman Street, 22/Ir., Munich, Germany; Maria Pasavant, whose last known address is Beckstrabe 63, Darmstadt, Hessen, Germany; and Emmy Maar, whose last known address is Merckstrasse 1/1, Ansbach, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Seven (7) shares of $12.50 par value common capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by the certificates whose numbers are listed below, registered in the names of the persons listed below in the amounts set forth opposite said names as follows:

Certificate No.	Name in which registered	Number of shares
A 47177	Karl Geyer	3
A 56004	Maria Passavant	2
D 38688	Emmy Maar	2

together with all declared and unpaid dividends thereon, and

b. Four (4) shares of $12.50 par value common capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by the certificates presently in the custody of said Bank of America National Trust and Savings Association whose numbers are listed below, registered in the names of the persons listed below in the amounts set forth opposite said names as follows:

Certificate No.	Name in which registered	Number of shares
F 83957	Karl Geyer	2
F 93203	Maria Passavant	1
G 65916	Emmy Maar	1

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karl Geyer, Maria Passavant and Emmy Maar, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: Thirty-six (36) shares of $2 par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by the certificates whose numbers are listed below, registered in the names of the persons listed below in the amounts set forth opposite said names as follows:

Certificate No.	Name in which registered	Number of shares
SFF 35087	Karl Geyer	4½
SFF 79345	do	1½
SFB 94222	do	½
SFJ 6062	do	9½
SFD 8383	Maria Passavant	20

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karl Geyer and Maria Passavant, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-865; Filed, Jan. 29, 1948; 8:51 a. m.]

[Vesting Order 10488]

PAUL HESSE

In re: Certificates of deposit owned by Paul Hesse. F-28-28227-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Hesse, whose last known address is Sebnitz i/Sachsen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) certificates of deposit for St. Louis-San Francisco Railway Company Prior Lien 4% Series A Gold bonds, numbered and of the face values as follows:

Number:	*Face value*
33481	$1,000.00
33482	1,000.00
33483	1,000.00
2576	500.00
1231	250.00

which certificates of deposit are presently in the custody of the Federal Reserve Bank of New York, 33 Liberty Street, New York, New York, and held by it for the account of the Secretary of the Treasury of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-866; Filed, Jan. 29, 1948; 8:51 a. m.]

[Return Order 88]

NICOLAUS PER MATHIESEN

Having considered the claim set forth below and having issued a Determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Nicolaus Per Mathiesen, Dammen, Norway; 6761.	12 F. R. 8422, Dec. 16, 1947.	Property described in Vesting Order No. 294 (7 F. R. 9840, Nov. 26, 1942), relating to United States Patent Application Serial No. 358,639 (now United States Letters Patent No. 2,341,639). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 23, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-868; Filed, Jan. 29, 1948; 8:52 a. m.]

CHARLES HENRY WILEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property

Charles Henry Wilen, 324 Montgomery Street, Brooklyn 25, N. Y.; A-134; The undivided one-half part of the whole right, title and interest in property described in Vesting Order No. 667 (8. F. R. 4996, April 17, 1943) relating to U. S. Letters Patent No. 2,182,104 and in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to U. S. Patent Application Serial No. 326,684 now U. S. Letters Patent No. 2,317,236).

Executed at Washington, D. C., on January 23, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-869; Filed, Jan. 29, 1948; 8:52 a. m.]

CHARLES JULES FERNAND LAFEUILLE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property

Charles Jules Fernand Lafeuille, Paris, France; 6509; Property described in Vesting Order No. 666 (8 F. R. 5047, Apr. 17, 1943), relating to United States Letters Patent Nos. 1,649,601; 1,653,712; 1,815,852 and 2,202,696, including royalties in the amount of $8,065.64. This return shall not be deemed to include the rights of any licensees under any of the above patents.

Executed at Washington, D. C., on January 26, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-870; Filed, Jan. 29, 1948; 8:52 a. m.]

PETER OLSEN AND MARY OLSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Peter Olsen, Aakirkeby, Bornholm, Denmark; 5181; The sum of $374.93 in the Treasury of the United States.

Mary Olsen, Aakirkeby, Bornholm, Denmark; 5182; The sum of $374.93 in the Treasury of the United States.

Executed at Washington, D. C., on January 26, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-871; Filed, Jan. 29, 1948; 8:52 a. m.]

[Vesting Order 10471]

WALTER SCHMALFUSS

Correction

In the file line at the end of Federal Register Document 48-749, appearing at page 390 of the issue for Wednesday, January 28, 1948, the date "Jan. 22, 1948" should read "Jan. 26, 1948".

CIVIL AERONAUTICS BOARD

[Docket No. SA-161]

ACCIDENT NEAR OXON HILL, MD.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-28384 which occurred near Oxon Hill, Maryland, on January 13, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, February 2, 1948, at 9:30 a. m. (local time) in the Carlton Hotel (room to be posted on hotel bulletin board), 923 16th Street NW., Washington, D. C.

Dated at Washington, D. C., January 26, 1948.

[SEAL] RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 48-851; Filed, Jan. 29, 1948; 8:50 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

[Public Notice DA951]

REVISION OF SCHEDULE I OF TRADE AGREEMENT WITH MEXICO

EXTENSION OF PERIOD FOR PRESENTATION OF VIEWS

Closing date for submission of briefs, February 18, 1948. Closing date for application to be heard, February 18, 1948. Public hearings open, February 25, 1948.

Submission of information to Committee for Reciprocity Information. The Committee for Reciprocity Information hereby gives notice that the closing date for submission of information and views in writing, and of applications for supplemental oral presentation of views, in regard to the negotiations for the revision of Schedule I of the trade agreement with Mexico, which relates to the customs treatment accorded United States products upon importation into Mexico, in respect of which notice of intention to negotiate was issued by the Acting Secretary of State on December 30, 1947, has been extended to Wednesday, February 18, 1948. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets Northwest, Washington 25, D. C.

The date for the opening of the public hearing is postponed until 10 a. m. on February 25, 1948, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, where supplemental oral statements will be heard.

Ten copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

Persons interested in items of export may present their views regarding any tariff concessions that might be requested of the Government of Mexico in the negotiations.

Issued: January 29, 1948.

Effective: January 29, 1948.

By direction of the Committee for Reciprocity Information this 29th day of January 1948.

EDWARD YARDLEY,
Secretary.

[F. R. Doc. 48-926; Filed, Jan. 29, 1948; 11:53 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Special Allocation Order ODT R-3]

SUPPLY OF TANK CARS FOR TRANSPORTATION OF KEROSENE AND FUEL OILS

It appearing, that there is a critical shortage in the supply of tank cars of a type suitable for the transportation of kerosene and fuel oils; and that shortages of kerosene and fuel oils are causing distress in various sections of the country:

Now, therefore, pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, and Executive Order 9919; *It is hereby ordered,* That:

1. Richard H. Lamberton, 1800 Builders Building, Wacker Drive, Chicago 1, Illinois (Telephone Central 4700), is hereby appointed Agent of the Office of Defense Transportation, with full authority, subject to the general supervision of the Director, Railway Transport Department, Office of Defense Transportation, to secure from owners, lessors, lessees and other users of tank cars of a type suitable for transporting kerosene and fuel oils, sufficient tank cars to transport emergency shipments of kerosene and fuel oils upon certification to him by the fuel conservator, administrator, or similar official appointed by the Governor of a State, in the form attached hereto and made a part hereof, that an emergency exists with respect to such transportation.

2. In the event said Agent is unable to secure sufficient tank cars to handle an emergency tank-car movement of kerosene or fuel oils certified to him by an authorized fuel conservator, administrator or other official appointed by the Governor of a State, said Agent shall immediately advise the Director of the Office of Defense Transportation of such inability, and shall make such recommendations for such further action to be taken as he may consider appropriate.

3. The furnishing of tank cars for use in emergency movements of kerosene or fuel oils pursuant to a request made by the Agent hereinabove appointed, shall constitute an allocation by the Office of

Defense Transportation of the use of such equipment for the movement by rail carriers of such commodities.

This Special Allocation Order ODT R–3 shall become effective on January 27, 1948, and shall remain in full force and effect until further order of the Office of Defense Transportation.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Law 395, 80th Cong.; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 8389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 27th day of January 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

Mr. R. H. LAMBERTON,
Agent, Office of Defense Transportation,
Room 1800 Builders Building,
Wacker Drive, Chicago 1, Ill.

DEAR SIR: This is to certify that an emergency situation exists at _____ a community under my jurisdiction.

This community and the consumers therein have less than a two weeks' supply of No. ____ fuel oil or kerosene.

There are ____ gallons of _____ en route which is a ____ days supply.

An investigation has been made by State and Community Committees and there are no other supplies obtainable.

_____ gallons of _____ are available for immediate shipment from the plant of _____ at _____ contingent upon tank cars being furnished to the shipper.

The buyer of this _____ is _____ at _____ and his facilities are adequate to receive and promptly unload tank cars.

Satisfactory arrangements between buyer and seller have been consummated.

Kindly arrange to have the necessary tank cars supplied to relieve this emergency and advise.

Yours very truly,

Fuel Conservator for the State of _____

[F. R. Doc. 48–846; Filed, Jan. 29, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1010]

GREYHOUND CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of January A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of The Greyhound Corporation.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange and San Francisco Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange with respect to this security traded on the San Francisco Stock Exchange is Southern California and Arizona; that out of a total of 9,330,090 shares outstanding, 354,264 shares are owned by 1,310 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 1,353 transactions involving 131,006 shares from August 1, 1946 to July 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of The Greyhound Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48–845; Filed, Jan. 29, 1948; 8:47 a. m.]

[File No. 7–1011]

NATIONAL DISTILLERS PRODUCTS CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of January A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 for permission to extend unlisted trading privileges to the Common Stock, Without Par Value, of National Distillers Products Corporation.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange with respect to this security traded on the San Francisco Stock Exchange is Southern California and Arizona; that out of a total of 7,977,771 shares outstanding, 271,649 shares are owned by 1,329 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 2,178 transactions involving 216,041 shares from August 1, 1946 to July 31, 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, Without Par Value, of National Distillers Products Corporation be, and the same is, hereby granted.

By the Commisison.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48–848; Filed, Jan. 29, 1948; 8:48 a. m.]